

Alexandria Gazette

TUESDAY EVENING, OCTOBER 4.

LOCAL NEWS.

For this section colder, fair weather, fresh to brisk westerly winds, veering to northwesterly, with frosts in western Virginia.

WARD MEETINGS will be held to-night to choose delegates to the convention which will meet in this city on Saturday next to nominate a candidate for the Legislature. The meetings will be held in the usual places as follows: First ward, Concordia Hall; Second ward, Mayor's office; Third ward, old Court House; Fourth ward, Friendship League House.

MECHANICS' LIENS—Important Decision. On June 10, 1886, Summers & Bro. repaired a wagon for John W. Peake at a cost of \$2.50 and a few days afterwards delivered the wagon to its owner before their bill was paid. On July 5th, 1886, W. F. Peake obtained a judgment against Peake & Bro. to enforce the execution on the wagon in Peake's possession, and on July 13, 1886, Summers & Bro. levied a distress warrant on the wagon to enforce their lien for repairs, and claimed that their lien was superior to that of Vincent. The case was tried in the Circuit Court. Mr. F. L. Brockett represented Summers & Bro. and Mr. A. Mushbach represented Vincent. The Court on Thursday last delivered the following opinion:

Opinion of Court.
J. W. Peake et al. vs. Summers & Bro.
Keith, J., September Term, 1887.

This is a question in this case arises upon the construction of an act of Assembly approved Feb. 25, 1880, and found in "Session Acts 1879-80," page 181, entitled "An act for the protection of mechanics by giving them a lien on articles repaired." It seems that Peake had placed a wagon at the repair shop of Summers & Bro., who repaired the same and the wagon was afterwards delivered up to Peake.

Summers & Bro. undoubtedly had a lien upon the wagon at common law for the cost of the repairs put upon it. This common law lien continued only so long as the article remained in the possession of the mechanic. It was lost as soon as the article repaired was returned to its owner. The statute referred to is, I think, declaratory merely of the common law, so far as the lien mentioned in the statute is concerned. It does not enlarge the right of the mechanic. It authorizes him to retain the article repaired until the amount due for repairs is paid and then provides that unless paid within thirty days after it is due, the mechanic may have the same remedies for the enforcement of the lien as are given by existing law to landlords for the collection of rent.

It is argued that this not only gives the remedy by distress warrant, which is true, but that it continues the lien of the mechanic for thirty days after he has parted with the possession of the property repaired, in analogy to the right of the landlord to pursue the property of the tenant provided it has not been removed from the leased premises more than thirty days. In this construction I can not concur. It strikes me as confounding the right and the remedy. The remedy is the warrant of distress on the property to be levied on under the warrant issued of the very essence of the right, and this is clearly shown by this consideration that the remedy by distress might, if the landlord saw fit, be taken from the landlord, provided an equally efficient remedy were substituted, but as an act of the Legislature depriving landlords of the right to pursue property removed from the leased premises as now provided by statute, would as to existing contracts be null and void.

The first clause of the act in question measures the right; i. e., the mechanic may hold the property repaired until the amount due for repairs is paid. The second clause of the statute gives the remedy; to wit, by warrant of distress. Any other construction would lead to great confusion and by rendering it dangerous to deal in articles which have been the subject of repair and against which secret liens might be assessed, would prove embarrassing and injurious.

The construction which I have placed upon the law can affect the rights of no one injuriously. The mechanic is safe under it, for he has the right to retain possession of the property repaired and has a prompt and efficient remedy for the enforcement of the lien. The public will not be injured, for the retention of the possession of personal property, by some one other than the owner, is sufficient to put all persons intending to deal with respect to such property upon inquiry as to the rights of the person in possession thereof.

PERSONAL.—Mrs. W. H. Chapman and family have returned from their summer trip. Mrs. John H. Perrott has returned to her home in New Jersey.

Miss Mary Newton has returned from a visit to Fauquier.

The Messrs Norton have returned from Fredericksburg where they have been visiting their sister, Mrs. J. K. Mason.

Rev. and Mrs. Allen Castleman are visiting friends in town.

Mr. David Meade from Clarke is in town on a visit to relatives.

Miss Nellie Fowle is visiting relatives in town.

Miss Alice Meade is in town, a guest at the Braddeck House.

Mrs. Rathbone, who has been very ill, is improving.

Miss Carrie Tompkinson, of South Carolina, is visiting Mr. Elliott, on Washington street.

Miss Lulu Critcher has returned from a pleasant visit to Hampton.

Mr. Jack Weadon is confined to his home with bilious fever.

Mr. Malcolm Brown has secured a position in the gentlemen's furnishing goods store of Messrs. Auerbach & Bro., in Washington.

Mr. Joe Stunkie, who has been visiting friends in this city, left for his home in Texas yesterday.

Mr. Wm. N. Lambdin, who has been spending the past two months in Europe, returned to his home yesterday after a very pleasant trip.

Mr. and Mrs. G. P. Hill have returned from New York, where they have been on a visit.

Mr. W. H. Breen will leave this evening for South Carolina, where he is at work on a railroad contract.

The family of Mr. Harry Kirk, who have been spending the summer in the country, have returned.

Mr. Basil Gordon, of Rappahannock county, is in the city, and has assumed his duties as assistant secretary of the State Democratic executive committee.

Mr. and Mrs. Thomas Collingsworth last night celebrated their silver wedding. A reception was held at their home, on South Fairfax street, which was largely attended by their friends, all of whom spent a delightful evening. Mr. and Mrs. C. were the recipients of a number of handsome and useful presents.

Mr. J. J. Jamieson and Rev. J. C. Stewart left today for Chicago on business.

Rev. John K. Mason, of St. George's Episcopal church, Fredericksburg, has declined to call to Parkersburg.

Miss Schaffer, of Baltimore city, is paying a visit to the Messrs Cook on upper King street.

Capt. Theo. Ketchum will leave this city for Prince William county to spend a few days in order to recuperate his health.

Mr. C. W. Wood has returned from an extended business trip through Virginia and West Virginia.

Messrs. G. D. Wise and Tazewell Elliott, of Richmond, were in the city to-day. Mr. Wise says the democrats will certainly carry Richmond at the coming election, and that the writer of the letter from that city published in the GAZETTE last night is all wrong.

Mr. Harry Price, formerly of this city, but now of Baltimore, yesterday passed a civil service examination in that city for a position in the postoffice.

Mr. Thomas Lomax, of Richmond, was in the city to-day on business.

DECIDED.—The hearing of the testimony in the case of the City Council against Messrs. F. L. Brockett and J. P. Coleman, ex-Auditor and Superintendent of Police, charged with the unlawful expenditure of the Corporation's money, which has been in progress since Thursday last, was concluded in the Circuit Court this morning, when Mr. S. G. Brent made his argument before the jury for the city. Messrs. Burke and Armstrong for the defendants declined to make arguments and submitted the case. Capt. Mushbach then finished for the city, and at half-past two o'clock this evening the case was given to the jury without instructions from the judge. At 3:30 o'clock the jury returned into court and through their foreman, Mr. Moss Gannell, returned the following verdict:

That the jury find the issue joined for the plaintiff on the fourth count and assess the damages at \$14.75 and find the issues joined for defendants as to all the other counts.

The Court then decided that under the statute the city would have to pay the costs of the suit.

The fourth count charged that Mr. Brockett had unlawfully paid money (\$14.75) out of the city treasury for certain newspapers. The jury was discharged and the case against Mr. Coleman was continued.

POLICE REPORT.—Last night was clear until about 12 o'clock when it became cloudy. There were three prisoners and one lodger at the station house.

The Mayor this morning disposed of the following cases:

Two colored men, arrested by officer Taylor for being drunk and disorderly, were fined, one \$5 and the other \$3.

A young white man, arrested by officer Batts for fighting, was fined \$5, and the man with whom he was fighting was discharged.

The case of one partner of a new oyster firm charged with "bouncing" the other member of the firm because he refused to deposit in the drawer the amount he had received for the sale of a-half gallon of oysters, was dismissed for want of jurisdiction.

The owner of a flock of geese, which had been taken up for running at large in the streets, was made to pay the penalty.

Robert Hopkins, colored, who had been fined by the Mayor this morning for disorderly conduct, was again arrested soon after his release, charged with abusive language, and was locked up in the station house.

THE MT. VERNON ASSOCIATION.—Mayor John B. Smoot, president of the Mt. Vernon Association, has appointed the following committee:

Committee on Charter, Legislation and Permanent Organization: E. W. Fox, Jackson E. Sikes, Jeff. Chandler, F. A. Reed, N. W. Pearson, Stacy Snowden, J. T. Beckham, W. E. Clarke.

Committee on Right of Way and Permanent Location of Mt. Vernon Avenue: F. R. Windsor, Park Avenue, Frank Hume, W. E. Clark, Major Geo. Johnston, F. A. Reed, E. W. Fox, Warrington Gillingham.

Committee on Ways and Means and Finance: H. A. Willard, Frank Hume, W. M. Galt, Dr. G. W. Cook, D. A. Windsor, Harrison Hatch, Robt. Postner, Walter Walton.

Now that the association has completed its permanent organization by the appointment of the above committee, contributions for the inauguration of the projected avenue are respectfully solicited and can be forwarded to Mr. M. B. Harlow, treasurer of the city.

CIRCUIT COURT.—Judge Jas. Keith, presiding.—Shipman vs. Fletcher; decree to set aside execution and cause referred to Commissioner Fowler to ascertain the proportion of costs to be paid by defendants.

Eldin et al. vs. Mechanical Building Association; J. R. Caton appointed commissioner of sale in place of C. W. Wattle, deceased; decree for the execution of a deed to W. E. Latham, and J. K. M. Norton appointed special commissioner to report as to various matters.

Mushbach vs. Fields, decree of reference to commissioner to take evidence.

Green & Wise vs. S. Orrison; removed to Circuit Court of Alexandria county.

City Council of Alexandria vs. F. L. Brockett et al.; jury and verdict for the plaintiff on one count.

Court adjourned till court in course.

CONFEDERATE VETERANS.—The regular monthly meeting of R. E. Lee Camp, Confederate Veterans, was held last night, with a full attendance, and it was resolved to participate in the parade at Richmond, on the 27th of this month, on the occasion of the laying of the corner stone of the Lee monument. A committee consisting of three, Comrades R. M. Latham, C. S. Taylor, Jr., and Theo. L. Chase, were appointed to make suitable arrangements for the trip and report at a called meeting of the camp. Commander Smoot announced that Col. E. V. White, of White's battalion of partisan rangers, would address the camp at its meeting in December.

THE OPERA HOUSE.—The regular theatrical season will commence at the Opera House to-morrow night, when one of the most beautiful of home dramas, "Ranch No. 10," will be produced by a strong company. All the realistic and beautiful scenery necessary for the proper production of the piece has been prepared, and it is promised that every attention will be paid to all the mechanical effects. The explosion of the coral and the ranch in flames are said to be the strongest fire scenes ever produced.

Nervous debility, premature decline of power in either sex, speedily and permanently cured. Large book, 10 cents in stamps. World's Dispensary Medical Association, 663 Main Street, Buffalo, N. Y.

NOTICE.—The regular monthly meeting of the Hydrum Steam Fire Engine Company will be held at their hall Tuesday evening, Oct. 4th, at 7 1/2 o'clock. A full attendance is desired, as action on the proposed trip to Richmond will be considered, and every member is requested to appear in uniform.

H. L. RAMEY, Secretary.

NOTICE TO STOCKHOLDERS.

The annual meeting of the stockholders of the ALEXANDRIA AND FREDERICKSBURG RAILWAY COMPANY is called for TUESDAY, November 8, 1887, at 2 o'clock p. m., at the office of the company, corner of Cameron and Fayette streets, Alexandria, Va. Election for President and Directors same day and place.

ALBERT HEWSON, Secretary.

NEW BEANS AND HOMINY just received by J. C. MILBURN.

LOCAL BREVITIES.

An old colored man, while fishing in the river, near Georgetown, yesterday evening, caught a German carp, which weighed 31 1/2 pounds.

The large four-masted schooner Chas. S. Balch, light, passed down the river this morning from Washington, in tow of a Baltimore tug.

We have from Mr. Glenn Brown, secretary, a copy of the constitution and by-laws of the Washington Chapter of the American Institute of Architects.

Marriage licenses were issued in Washington yesterday to Charles Walker, of this city, and Mary Slaughter, of Fredericksburg, and to Joseph R. Bailey, of Culpeper county, and to Lila R. Nash, of Orange county.

The several attempts made to blast the wreck of the steamer Armenia, in the dock fronting the Iron Works property, having failed, dredging has been resorted to, and now the steam dredges Asia and Alaska are at work thereon.

Mr. G. E. Price will have for sale in market to-morrow some fine rock, trout, tailors and other salt water fish.

OYSTERS.

JAS. E. MCKENNEY & CO.

Wholesale and Retail Dealers in

OYSTERS,

NO. 219 KING STREET.

Oysters of the best quality received from Norfolk daily and delivered in any part of the city. Orders from the country solicited. Great care given to packing. oct4

MIXED PICKLE and CHOW CHOW for sale by the gallon or pint by J. C. MILBURN.

TRY THE "EXTRA MIXED TEA" for sale at 50c per lb by J. C. MILBURN.

AMUSEMENTS.

OPERA HOUSE

One Night Only—WEDNESDAY, Oct. 5.

HALL & MILLER'S

Standard Company of Comedians

—IN—

RANCH NO. 10.

The Prettiest Home Drama of Modern Times.

THE GREATEST FIRE SCENE EVER PRODUCED.

NEW SONGS! NEW MUSIC! NEW DANCES!

See us on sale at Summers & Allen's drug store. Prices, 25, 35 and 50c. sep30 5t

FAIRS.

LADIES' FAIR.

MURBURN'S HALL,

October 17th to 27th, 1887.

For the

BENEFIT OF THE BUILDING FUND OF

POTOMAC LODGE, NO. 38, I. O. O. F.

Season tickets 50 cents.

sep20 1m

NOTICE.

In pursuance of a resolution adopted at the joint meeting of the Democratic City and County Committees held September 29th, 1887, **WARD MEETINGS** will be held on **TUESDAY NIGHT, October 4th, at 8 o'clock**, to select delegates to a convention to be held in this city October 8, 1887, to nominate a candidate for the House of Delegates.

The city is entitled to 34 delegates, distributed as follows:

1st ward, 7 delegates.

2d ward, 6 "

3d ward, 14 "

4th ward, 7 "

Meetings will be held at the usual places.

LEONARD MARBURY,

sep30 4s Chairman Dem. City Committee.

NOTICE.

OFFICE OF THE ALEXANDRIA WATER CO.

All persons who are in arrears in payment of their water bills are hereby notified that unless paid by the 15th of October the WATER WILL BE CUT OFF from their premises.

By order of the Board of Directors:

oct1 15 R. WHEAT, President.

MINERAL WATERS and GINGER ALE.—We sell from this place supply the family trade with STABLE'S MINERAL WATERS. Leave your orders at our store.

ap11 GEO. MURBURN & SON.

PARIS GREEN! PARIS GREEN!

Another large supply just received. Put up in 1-lb and 5-lb cans. For sale by

W. F. CREIGHTON & CO.

WE OFFER special inducements in GUNS

PISTOLS, SHELLS, &c. and other goods in that line. Call and see at 88 King, corner of Royal street.

sep27 J. T. CREIGHTON & SON.

ENCING WIRE.—We have now a full stock of

1-Pence Wire, both with and without barbs, twisted and ribbon, and we are selling it low.

JAS. F. CARLIN & SONS,

Alexandria, Va.

JUST FROM THE FACTORY.—10 dozen of the

IMPROVED PATENT-STAY A.B.S. SHIRTS, the best goods ever offered in Alexandria for the price. Will outwear any \$1 shirt.

At AMOS B. SLAYMAKERS

CORN KNIVES and HOOKS, best quality, just received at 325 King street, corner of Royal; wholesale and retail.

sep8 J. T. CREIGHTON & SON.

FLOUR.—Potomac, Superlative, Crystal, New South, Triumph, Tenney and Herwood—all choice Flour—for sale low by

J. C. MILBURN.

FLOWER POTS.—Just received a lot of Flower Pots, assorted sizes, neat and durable, with or without saucers, at

feb15 E. J. MILLER, SON & CO'S.

IF YOU CANNOT SEE and cannot find any

SPECTACLES to suit you, go to HENRY WILDT'S and have your eyes tested, and you will have no more trouble.

nov20

MONTERRAT and LIME FRUIT JUICE received to-day by

dec20 J. C. MILBURN.

RHEUMATISM CURED BY DE MITCHELL'S Celebrated Rheumatism Plaster, for sale by

ap11 W. F. CREIGHTON & CO.

KITCHEN, CRYSTAL and PEERLESS Scouring Soaps, for sale by

aug24 J. C. MILBURN.

PATENT FLY FANS, two kinds, for sale at extra low prices at 88 King, corner Royal st., by

J. T. CREIGHTON & SON.

INDIGO BLUE BOATING SUITS, from factory, just received by

nov12 AMOS B. SLAYMAKERS.

iced TEA.—Extra mixed Tea, suitable for iced Tea, 50c per lb, can be had at

dec16 J. C. MILBURN'S.

STRICTLY PURE CIDER VINEGAR, extra strength, for pickling, for sale by

sep13 J. C. MILBURN.

10 BBL'S NEW HOMINY and HOMINY GRITS just received by

nov23 J. C. MILBURN.

SUITINGS! SUITINGS!—Good, pretty and cheap Suits made to order and guaranteed by

nov24 AMOS B. SLAYMAKERS.

DRINK MOXEY'S NERVE FOOD for sale by

ap22 J. D. H. LUNT.

FANCY NO. 1 MACKEREL and Nos. and 3 do., fat.

feb23 MCBURNEY'S.

CHLORITE, an elegant preparation for chapped hands and lips, for sale by

jan7 J. D. H. LUNT.

MEDICINAL.

DR. VON SENDEN'S



The Great German Family Remedy

For the Rapid Cure of

Coughs, Colds, Bronchitis, Sore Throat, Influenza, Whooping Cough, Difficulty of Breathing, Pains and Tightness of the Chest, Dryness or Tickling in the Throat, &c.

Absolutely free from substances injurious to health. Small (3 oz.) bottles, 25 cts; large (8 oz.) bottles, 50 cts. For sale by all druggists. sep27 3m

EDUCATIONAL.

ARLINGTON INSTITUTE.

At the solicitation of friends, I have decided to open, in connection with my school, a **PRIMARY DEPARTMENT FOR SMALL CHILDREN**, under the charge of Miss PHILIPPA TALLIAFERRO. The children will be trained in Kindergarten Drill and Singing by Mrs. M. E. WALKER.

Tuition: \$2 a month in advance. Scholars received on application at the Institute.

sep27 1w EBECCA C. FOWELL.

CALISTHENICS.

Mrs. LITTLE'S

CALISTHENIC CLASS

will be resumed Oct. 10. sep22 1m

PIANO LESSONS.

Miss CLARA HARRISON,

Pupil of Wm. Mason, New York.

Address drawer 18, Alexandria, Virginia.

sep8 1m

Warrenton Seminary,

A SELECT BOARDING AND DAY SCHOOL FOR YOUNG LADIES AND CHILDREN.

Board, etc., tuition in English, French and Latin, \$300.

Special rates in special cases on application. Extras at reasonable charges.

For particulars and Circulars address

Miss M. V. LOMAX, Box 137, Warrenton, Va.

sep1 to